

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is in response to the Official Action mailed on September 8, 2004, identifying as not-fully-responsive the Amendment filed on May 26, 2004 in reply to the Office Action mailed on February 27, 2004. The Amendment filed on May 26, 2004 was found not fully responsive because Claim 22 was listed as amended in the remarks, but identified as “previously presented.” The identifier of Claim 22 has been changed herein to read “currently amended.” The remainder of this document is the same as the one filed on May 26, 2004. Claims 1-4, 6-14, and 19-24 are pending and stand rejected in this Application. Claims 1, 21, and 22 are amended by the present amendment.

Summarizing the outstanding Office Action, Claims 1-4, 6-14, 19-20, and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo (U.S. Publication No. 2002/0167989, hereinafter “Russo”) in view of Pariseau (U.S. Patent No. 6,579,006, hereinafter “Pariseau”) and Nakasuji et al. (U.S. Patent No. 4,028,118, hereinafter “Nakasuji”). Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo, Pariseau, Nakasuji, and in view of Milan (U.S. Patent No. 6,318,584, hereinafter “Milan”).

Applicants thank the Examiner for the courtesy of an interview extended to Applicants’ representative on May 10, 2004. During the interview, Amendments to the claims as herein presented were proposed, and arguments as hereinafter developed were presented. It was discussed during the interview that none of the prior art of record teaches or discloses a threaded cap. Although an agreement was not reached during the personal interview, the Examiner, Mr. James N. Smalley, indicated on the interview summary (form PTO 413) that “ (1) agreement was reached that Pariseau ‘006 teaches an embodiment where

a non-thermochromic ink layer is invisible at a first thermal state, and visible at a second thermal state. (2) Examiner clarifies the Office Action mistakenly identifies the liner as element (38) on Milan '584. The Examiner reads annular flange (24) to be the liner. (3) Applicant proposes adding new drawings depicting an embodiment of a sealing liner, other than what is currently shown. (4) Applicant proposes adding claim language defining a threaded connection between the lid and container. Currently, there are no references of record teaching thermochromic ink on a threaded cap. (5) Applicant proposes new claims drawn to the "pop-up" embodiment of figure 2."

Claims 1, 21, and 22 have been amended to recite a threaded cap adapted to be removably secured to a container to cover an opening thereof. In view of the conclusion reached during the personal interview that none of the prior art of record teaches or discloses a threaded cap, Applicants respectfully submit that the above-summarized obviousness rejection are now moot. Their withdrawal is respectfully requested.

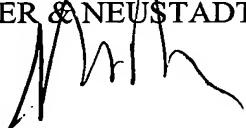
Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-4, 6-14, and 19-24 is earnestly solicited.

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Reply to Office Action of February 27, 2004

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

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